

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LORNA SCHLAGEL,

Plaintiff,

v.

Case Number 06-15453-BC
Honorable Thomas L. Ludington

COMPUTER SCIENCES CORPORATION,
DAVID WANNER, ASCENSION HEALTH
SYSTEM,

Defendants.

**ORDER GRANTING DEFENDANT WANNER'S AND ASCENSION HEALTH'S
MOTION TO DISMISS AND GRANTING PLAINTIFF'S MOTION
FOR LEAVE TO AMEND**

On December 11, 2006, Plaintiff Lorna Schlagel filed a complaint against Defendants Computer Science Corporation, Ascension Health System (Ascension), and David Wanner, alleging age discrimination under the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621 *et seq.*, and under Michigan Elliott-Larsen Civil Rights Act (ELCRA), Mich. Comp. Laws § 37.2101 *et seq.* On February 8, 2007, Defendants Ascension and Wanner filed a motion to dismiss, arguing, *inter alia*, that the ADEA does not permit liability against parties who are not employers. On March 19, 2007, Plaintiff filed a motion for leave to amend, seeking to add claims of a conspiracy to violate ELCRA under Mich. Comp. Laws § 37.2701 and a common law civil conspiracy.

At a hearing on April 9, 2007, Plaintiff conceded that she could not pursue an ADEA claim against Defendants Ascension and Wanner. Therefore, the Court granted in part Defendant Ascension's and Wanner's motion for dismissal as to the ADEA claim.

Federal Rule of Civil Procedure 15 requires that courts grant leave to amend liberally, and Defendant Ascension's and Wanner's arguments regarding the futility of Plaintiff's claims of

conspiracy under ELCRA and the common law, at this juncture, are unavailing. Therefore, the Court also granted Plaintiff's motion for leave to amend.

Accordingly, it is **ORDERED** that Defendant Ascension's and Wanner's motion for dismissal [dkt #9] is **GRANTED IN PART**.

It is further **ORDERED** that Plaintiff's motion for leave to amend [dkt #16] is **GRANTED**. Plaintiff shall file any amended complaint on or before **April 23, 2007**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: April 10, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 10, 2007.

s/Carol J. Greverbiehl
CAROL J. GREYERBIEHL